

HOUSE AMENDMENTS TO HOUSE BILL 4109

By JOINT COMMITTEE ON TRANSPORTATION

March 1

1 On page 1 of the printed bill, line 2, delete “319.023 and 810.444” and insert “153.083, 319.023,
2 468.446, 468.448, 468.449, 810.444 and 811.609 and section 14, chapter 30, Oregon Laws 2010”.

3 On page 3, delete lines 7 through 45.

4 On page 4, delete lines 1 through 17 and insert:

5 “**SECTION 2.** ORS 810.444 is amended to read:

6 “810.444. (1) Notwithstanding any other provision of law, in [*the jurisdiction*] **a city** operating a
7 [*fixed*] photo radar system under ORS [*810.443*] **810.438:**

8 “(a) A citation for speeding may be issued on the basis of [*fixed*] photo radar if:

9 “(A) A sign that provides drivers with information about the driver’s current rate of speed is
10 posted between 100 and 400 yards before the location of each [*fixed*] photo radar unit; [*and*]

11 “[*B*] A police officer or a duly authorized traffic enforcement agent who has reviewed the photo-
12 graphic evidence of the conduct signs the citation.]

13 “**(B) A police officer or a duly authorized traffic enforcement agent has reviewed the**
14 **photographic evidence of the conduct; and**

15 “**(C) A police officer signs and issues the citation, except that a citation issued by the**
16 **City of Portland may be signed and issued by a duly authorized traffic enforcement agent or**
17 **a police officer.**

18 “(b) A rebuttable presumption exists that the registered owner of the vehicle was the driver of
19 the vehicle when the citation is issued and delivered as provided in subsection (2) of this section.

20 “(c) An individual issued a citation under this subsection may respond to the citation by sub-
21 mitting a certificate of innocence under subsection (3)(a) of this section or may make any other re-
22 sponse allowed by law.

23 “(d) A business or public agency issued a citation under this subsection may respond to the ci-
24 tation by submitting an affidavit of nonliability under subsection (3)(b) of this section or may make
25 any other response allowed by law.

26 “(2) A citation issued on the basis of [*fixed*] photo radar may be delivered by mail or otherwise
27 to the registered owner of the vehicle or to the driver. The citation may be prepared on a digital
28 medium, and the signature may be electronic in accordance with the provisions of ORS 84.001 to
29 84.061.

30 “(3)(a) An individual named as the registered owner of a vehicle in current records of the De-
31 partment of Transportation may respond by mail to a citation issued under subsection (1) of this
32 section by submitting a certificate of innocence within 30 days from the mailing of the citation
33 swearing or affirming that the registered owner was not the driver of the vehicle and by providing
34 a photocopy of the registered owner’s driver license. A [*jurisdiction*] **city** that receives a certificate
35 of innocence under this paragraph shall dismiss the citation without requiring a court appearance

1 by the registered owner or any other information from the registered owner other than the swearing
2 or affirmation and the photocopy. The citation may be reissued only once, only to the registered
3 owner and only if the [*jurisdiction*] **city** verifies that the registered owner appears to have been the
4 driver at the time of the violation. A registered owner may not submit a certificate of innocence in
5 response to a reissued citation.

6 “(b) If a business or public agency named as the registered owner of a vehicle in current records
7 of the Department of Transportation responds to a citation issued under subsection (1) of this sec-
8 tion by submitting an affidavit of nonliability within 30 days from the mailing of the citation stating
9 that at the time of the alleged speeding violation the vehicle was in the custody and control of an
10 employee, or was in the custody and control of a renter or lessee under the terms of a rental
11 agreement or lease, and if the business or public agency provides the driver license number, name
12 and address of the employee, renter or lessee, the citation shall be dismissed with respect to the
13 business or public agency. The citation may then be issued and delivered by mail or otherwise to
14 the employee, renter or lessee identified in the affidavit of nonliability.

15 “(4) If the registered owner, employee, renter or lessee fails to respond to a citation issued un-
16 der this section, a default judgment under ORS 153.102 may be entered for failure to appear after
17 notice has been given that the judgment will be entered.

18 “(5) The penalties for and all consequences of a speeding violation initiated by the use of
19 [*fixed*] photo radar are the same as for a speeding violation initiated by any other means.

20 “(6) A registered owner, employee, renter or lessee against whom a judgment for failure to ap-
21 pear is entered may move the court to relieve the registered owner, employee, renter or lessee from
22 the judgment as provided in ORS 153.105 if the failure to appear was due to mistake, inadvertence,
23 surprise or excusable neglect.

24 “(7)[*(a)*] As used in this section[,]:

25 “(a)(A) ‘Duly authorized traffic enforcement agent’ means an individual who:

26 “[*(A)*] (i) Is employed, appointed and duly sworn in by the governing body of the incorporated
27 city in which the agent performs the agent’s duties; and

28 “[*(B)*] (ii) Has completed all necessary technical, administrative and other training to:

29 “(I) Review photographs [*and*] **under this section; and**

30 “(II) Issue **and sign** citations under this section, **if employed by the City of Portland.**

31 “[*(b)*] (B) Duly authorized traffic enforcement agents are not police officers.

32 “(b) ‘**Police officer**’ includes ‘**reserve officers**’ as defined in ORS 133.005.

33 “**SECTION 3.** ORS 153.083 is amended to read:

34 “153.083. (1) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation, whether created
35 by ordinance or statute, in which a city attorney or district attorney does not appear, the peace
36 officer who issued the citation for the offense may present evidence, examine and cross-examine
37 witnesses and make arguments relating to:

38 “(a) The application of statutes and rules to the facts in the case;

39 “(b) The literal meaning of the statutes or rules at issue in the case;

40 “(c) The admissibility of evidence; and

41 “(d) Proper procedures to be used in the trial.

42 “(2) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation, whether created by ordi-
43 nance or statute, in which a city attorney or district attorney does not appear, the duly authorized
44 traffic enforcement agent who issued the citation for the offense may present the evidence reviewed
45 by the agent as the basis for issuing a citation under ORS 810.436, 810.437 or 810.444.

1 “(3) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation, whether created by ordi-
2 nance or statute, in which a city attorney or district attorney does not appear, the weighmaster or
3 motor carrier enforcement officer who issued the citation for the offense may present the evidence
4 reviewed by the weighmaster or motor carrier enforcement officer as the basis for issuing a citation
5 listed under ORS 810.530.

6 “(4)(a) As used in this section, ‘duly authorized traffic enforcement agent’ means an individual
7 who:

8 “(A) Is employed, appointed and duly sworn in by the governing body of the incorporated city
9 in which the agent performs the agent’s duties; and

10 “(B) Has completed all necessary technical, administrative and other training to review photo-
11 graphs and issue citations under ORS 810.436, 810.437 or 810.444.

12 “(b) Duly authorized traffic enforcement agents are not police officers as defined in ORS 801.395
13 **or reserve officers as defined in ORS 133.005.”.**

14 In line 18, delete “3” and insert “4”.

15 In line 19, delete “4” and insert “5”.

16 After line 23, insert:

17
18 **“COMPRESSED NATURAL GAS FUELING AT DAS FLEET CENTER**

19
20 **“SECTION 6.** Section 14, chapter 30, Oregon Laws 2010, as amended by section 2, chapter 526,
21 Oregon Laws 2013, and section 1, chapter 67, Oregon Laws 2017, is amended to read:

22 **“Sec. 14.** Section 13, chapter 30, Oregon Laws 2010, is repealed on January 2, [2025] **2026.**

23
24 **“FAMILY PLACARDS**

25
26 **“SECTION 7.** ORS 811.609 is amended to read:

27 “811.609. (1) The Department of Transportation shall issue disabled person parking permits in
28 the form of family placards for use on vehicles that are regularly used by:

29 “(a) A family that includes [*more than one person with a disability*] **at least two persons with**
30 **disabilities; or**

31 **“(b) Multiple households that are caring for at least one person with a disability.**

32 “(2) All the following apply to placards issued under this section:

33 “[1] (a) The department shall determine the form, size and content of the placards except that
34 the department shall require that the expiration date of a placard be visible when the placard is
35 displayed in the vehicle.

36 “[2] (b) Placards issued under this section shall be valid for a period of eight years from the
37 date of issue. Upon expiration, placards may be renewed in a manner determined by the department
38 by rule.

39 “[3] (c) The department [*shall*] **may** not issue or renew a placard under this section unless a
40 licensed physician certifies that:

41 **“(A) The family includes at least two persons with disabilities; or**

42 **“(B) Multiple households are caring for at least one person with a disability.**

43 **“SECTION 8. The amendments to ORS 811.609 by section 7 of this 2024 Act apply to**
44 **family placards issued on or after the effective date of this 2024 Act.**

1 electric vehicle primarily on the public highways of this state, which may be satisfied by providing
2 proof of registration of the vehicle in Oregon.

3 “(d) Submit an application for a charge ahead rebate to the administrator of the program within
4 six months of the date of purchase or six months from the date the lease begins.

5 “(e) Retain registration of the light-duty zero-emission vehicle for a minimum of 24 consecutive
6 months following the date of purchase or following the date the lease begins.

7 “(9) A person that receives a charge ahead rebate may not make or allow any modifications to
8 the vehicle’s emissions control systems, hardware, software calibrations or hybrid system.

9 “(10)(a) If a charge ahead rebate recipient sells the vehicle or terminates the vehicle lease be-
10 fore the end of 24 months, the charge ahead rebate recipient shall:

11 “(A) Notify the administrator of the program of the sale or termination; and

12 “(B) Reimburse the administrator for the rebate in a prorated amount based on the number of
13 months that the rebate recipient owned or leased the qualifying vehicle.

14 “(b) The administrator may waive the reimbursement requirement under paragraph (a) of this
15 subsection if the administrator determines that a waiver is appropriate given unforeseeable or una-
16 voidable circumstances that gave rise to a need for the rebate recipient to sell the qualifying vehicle
17 or terminate the qualifying vehicle lease before the end of 24 months.

18 “(11) Charge ahead rebate recipients may be requested to participate in ongoing research ef-
19 forts.

20 “(12) The administrator of the program shall work to ensure timely payment of charge ahead
21 rebates with a goal of paying rebates within 60 days of receiving an application for a charge ahead
22 rebate.

23 “(13) In establishing the Charge Ahead Oregon Program, the department shall provide opportu-
24 nities for public comment by qualifying households, low-income service providers and other
25 community-based organizations that are located in areas of this state that have elevated concen-
26 trations of air contaminants attributable to motor vehicle emissions, relative to other areas of the
27 state. The department shall use the comments received pursuant to this subsection to inform, eval-
28 uate and strengthen the design of the program in order to increase the usage of light-duty zero-
29 emission vehicles and plug-in hybrid electric vehicles.

30 “(14) The administrator of the program shall, throughout the course of implementing the pro-
31 gram, conduct community outreach to qualifying households, low-income service providers and other
32 community-based organizations that are located in areas of this state that have elevated concen-
33 trations of air contaminants attributable to motor vehicle emissions, relative to other areas of the
34 state, in order to:

35 “(a) Solicit feedback on program implementation; and

36 “(b) Take steps to ensure that the program is promoted effectively.

37 “(15) A vehicle dealer may advertise the Charge Ahead Oregon Program on the premises owned
38 or operated by the vehicle dealer. If no moneys are available from the program or the program
39 otherwise changes, a vehicle dealer who advertises the program may not be held liable for adver-
40 tising false or misleading information.

41 “(16) A charge ahead rebate may **not** be combined with a rebate described in ORS 468.444.

42 “(17) An organization that the department has hired or contracted with to implement and serve
43 as the administrator of the program may offer expanded financing mechanisms for program partic-
44 ipants, including, but not limited to, a loan or loan-loss reserve credit enhancement program to in-
45 crease consumer access to new or used light-duty zero-emission vehicles and plug-in hybrid electric

1 vehicles.

2 “(18) The Environmental Quality Commission may adopt any rules necessary to carry out the
3 provisions of this section.

4 “**SECTION 10.** ORS 468.448 is amended to read:

5 “468.448. (1) The Department of Environmental Quality shall periodically audit, or cause to be
6 audited, the programs established under ORS 468.444 and 468.446 to determine whether the programs
7 are being implemented and administered in compliance with the provisions of ORS 468.442 to
8 468.449.

9 “(2) No later than September 15 of each even-numbered year, the department shall provide a
10 report to the Legislative Assembly, in the manner provided in ORS 192.245, that includes, at a
11 minimum:

12 “(a) A description of the uses to date of moneys in the Zero-Emission Incentive Fund established
13 under ORS 468.449;

14 “(b) An analysis of the effectiveness of the rebate program established under ORS 468.444;

15 “(c) **A description of the uses to date of moneys in the Charge Ahead Zero-Emission In-**
16 **centive Fund established under section 13 of this 2024 Act;**

17 “[c] (d) An analysis of the effectiveness of the Charge Ahead Oregon Program established un-
18 der ORS 468.446;

19 “[d] (e) Recommendations, which may include recommendations for legislation, on ways to im-
20 prove the programs established under ORS 468.444 and 468.446; and

21 “[e] (f) The results of any audits conducted under subsection (1) of this section.

22 “**SECTION 11.** ORS 468.449 is amended to read:

23 “468.449. (1) The Zero-Emission Incentive Fund is established in the State Treasury, separate
24 and distinct from the General Fund. Interest earned by the Zero-Emission Incentive Fund shall be
25 credited to the fund.

26 “(2) Moneys in the Zero-Emission Incentive Fund shall consist of:

27 “(a) Amounts donated to the fund;

28 “(b) Amounts transferred to the fund by the Department of Revenue under ORS 320.435;

29 “(c) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;

30 “(d) Other amounts deposited in the fund from any public or private source; and

31 “(e) Interest earned by the fund.

32 “(3) The Department of Environmental Quality shall encourage gifts, grants, donations or other
33 contributions to the fund.

34 “(4) Moneys in the fund are continuously appropriated to the department to be used to carry
35 out the provisions of ORS 468.442 to 468.449.

36 “(5)(a) No more than 10 percent of the moneys deposited in the fund per biennium may be ex-
37 pended to pay administrative expenses incurred in the administration of ORS 468.442 to 468.449 by:

38 “(A) The department; and

39 “(B) Any third-party organization that the department hires or contracts with under ORS 468.444
40 and 468.446.

41 “(b) As used in this subsection, ‘administrative expenses’ does not include expenses incurred by
42 the department or third-party organizations in:

43 “(A) Conducting community outreach under ORS 468.446 (14); or

44 “(B) Otherwise engaging in efforts to promote transportation electrification through partic-
45 ipation in the programs established under ORS 468.444 and 468.446.

1 “(6)(a) The Environmental Quality Commission may adopt by rule provisions for the allocation
2 of moneys deposited in the fund between the programs established under ORS 468.444 and 468.446.

3 “(b) Rules adopted under this subsection must require that at least 20 percent of the moneys
4 deposited in the fund per biennium are allocated to fund the provision of rebates through the Charge
5 Ahead Oregon Program established under ORS 468.446.

6 “(c) **The amount required to be allocated under paragraph (b) of this subsection in any
7 biennium shall be reduced, but not below zero, by the amount deposited from any other
8 source in the Charge Ahead Zero-Emission Incentive Fund established under section 13 of
9 this 2024 Act.**

10 “**SECTION 12.** Section 13 of this 2024 Act is added to and made a part of ORS 468.442 to
11 468.449.

12 “**SECTION 13.** (1) **The Charge Ahead Zero-Emission Incentive Fund is established in the
13 State Treasury, separate and distinct from the General Fund. Interest earned by the Charge
14 Ahead Zero-Emission Incentive Fund shall be credited to the fund.**

15 “(2) **Moneys in the Charge Ahead Zero-Emission Incentive Fund shall consist of:**

16 “(a) **Amounts donated to the fund;**

17 “(b) **Amounts appropriated or otherwise transferred to the fund by the Legislative As-
18 sembly;**

19 “(c) **Other amounts deposited in the fund from any public or private source; and**

20 “(d) **Interest earned by the fund.**

21 “(3) **The Department of Environmental Quality shall encourage gifts, grants, donations
22 or other contributions to the fund.**

23 “(4) **Moneys in the fund are continuously appropriated to the department to be used to:**

24 “(a) **Provide charge ahead rebates under ORS 468.446; and**

25 “(b) **Pay administrative expenses incurred in the administration of ORS 468.442 to 468.449
26 by:**

27 “(A) **The department; and**

28 “(B) **Any third-party organization that the department hires or contracts with under
29 ORS 468.444 and 468.446.**

30 “(5) **No more than 10 percent of the moneys deposited in the fund per biennium may be
31 expended to pay administrative expenses incurred by the department and any third-party
32 organization.**

33 “(6) **As used in this section, ‘administrative expenses’ does not include expenses incurred
34 by the department or third-party organizations in:**

35 “(a) **Conducting community outreach under ORS 468.446 (14); or**

36 “(b) **Otherwise engaging in efforts to promote transportation electrification through
37 participation in the programs established under ORS 468.444 and 468.446.**

38
39 **“RAIL**

40
41 “**SECTION 14.** (1) **The Department of Transportation shall pursue cooperative efforts
42 with the State of Idaho to apply for assistance from the Federal Railroad Administration to
43 study potential for reestablishing service on the Amtrak Pioneer Line.**

44 “(2) **The department shall report on the progress to carry out the provisions of sub-
45 section (1) of this section in the manner provided by ORS 192.245 to the Joint Committee on**

1 **Transportation no later than December 31, 2024.**

2 **SECTION 15. Section 14 of this 2024 Act is repealed on January 2, 2025.”.**

3 In line 27, delete “5” and insert “16”.

4 In line 33, delete “6” and insert “17”.

5 _____